

**REMARKS****1. Amendments to the claims**

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Claim 11 is amended to include limitations “a circuit for generating the control signal according to a rotation speed of the spindle motor, the circuit being not coupled to the wobble signal,” which are fully supported by Fig. 1 and specification paragraphs [0013] and [0014]. No new matter is introduced.

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Claim 17 is amended to include limitations “generating the control signal according to a rotation speed of the spindle motor and not according to the wobble signal.” As disclosed in Fig. 1 and specification paragraphs [0013] and [0014], the second circuit 40 is not coupled to the wobble signal and therefore the generation of the control signal does not utilize the wobble signal. No new matter is introduced.

Consideration of the amendments is respectfully requested.

**2. Specification rejections – 35 U.S.C. 132(a)**

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The Examiner states the specification introduces new matter. More specifically, the Examiner states that paragraphs [0013] and [0014] do not disclose the claimed limitation “whereby data recording does not need to be synchronized with the spindle motor operation”.

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**Response**

Applicants assert that the amendments to the claims do not constitute new matter. In the specification it is detailed that circuit 10 generates a channel clock, which is utilized for encoding data (and hence data recording), and circuit 40 is utilized for controlling the

spindle motor. "The second circuit 40 is used to drive the motor at a fixed frequency, and the first circuit 10 is used to send a channel clock corresponding to a linear velocity of the optical disc system 2 to a data encoder" [Para 0012]. It can be clearly seen from Fig.1 that circuits 10 and 40 are not connected, and their respective operations are therefore not 5 synchronized with each other. In other words, since the second circuit 40 does not reference the wobble signal to generate the control signal of the spindle motor and the third circuit 70 needs the channel clock generated from the wobble signal to perform data encoding, spindle motor control and data encoding are independent of each other. Furthermore, paragraphs [0013] and [0014] fully detail the respective operations of 10 circuits 10 and 40. As neither paragraph references components or signals contained in the other paragraph, and by further referring to Fig.1 in conjunction with the specification it is obvious to one skilled in the art that the operation of the spindle motor and the data encoding operations (through generating the channel clock) are not synchronized with each other.

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### 3. Claim objections: 35 U.S.C. 112

Claims 11-20 were rejected under 35 U.S.C. 112, as failing to comply with the written description requirement.

### 20 Response

The Examiner states Claims 11-20 contain subject matter that was not described in the specification. The applicants disagree.

#### Claim 11

25 According to above arguments to Specification rejections – 35 U.S.C. 132(a), limitations disclosed in claim 11, as per data recording is not synchronized with spindle motor operations, are fully supported by both the specification and attached drawings, and, as such, successfully overcome the Examiner's rejections.

**Claim 17**

As claim 17 is a method claim having the limitations of claim 11 discussed above, applicants assert that claim 17 also overcomes the objection stated by the Examiner.

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**4. Claim rejections – 35 U.S.C. 102(b)**

Claims 11, 14-17, 19, and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by Matsui et al.

**10 Response****Claim 11**

The circuit of Matsui claims a selector, whereby the selector selects from three control means for controlling the spindle motor operation. The selector is shown in Figs. 1, 3, 5, 7, 9, 12, and 14. It can be seen from these figures that the selector is connected to the wobble signal generated by the apparatus, and therefore couples the operation of the spindle motor to the operation of the wobble signal. Furthermore Matsui clearly states in claim 1 ‘a controller for controlling the rotation of the disk according to a signal from the pulse generator when the guide detector do not produce a signal, for controlling the rotation of the disk according to a signal from the guide detector when the guide detector produces a signal while the synchronizing signals are not detected, and for controlling the rotation of the disk according to the synchronizing signals which synchronize the reproduction signal when the synchronizing signals are detected.’ Therefore, the spindle motor control cannot operate independently of the wobble signal.

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Moreover, the limitation of Matsui claim 1: ‘a controller for controlling the rotation of the disk according to a signal from the pulse generator’ only occurs ‘when the guide detector do (sic) not produce a signal’, i.e. when data is not being reproduced. It would

be impossible to modify the prior art of Matsui to achieve the objectives of the present invention as Matsui explicitly teaches utilizing the wobble signal, or a synchronizing signal to achieve spindle motor control when data accessing occurs. Therefore applicants assert that Matsui fails to anticipate a system for recording data to an optical disc whereby

5 the spindle motor control operation and data recording can occur independently. In short, Matsui fails to teach or suggest the claimed limitation "a circuit for generating the control signal according to a rotation speed of the spindle motor, the circuit being not coupled to the wobble signal" to thereby make data recording not synchronized with the spindle motor operation.

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Applicants therefore assert that claim 11 has been placed in a position for allowance. Claims 14-16 are dependent on claim 11, and should be considered allowable if claim 11 is found allowable.

15 Claim 17

Claim 17 recites the limitations of claim 11, i.e. data recording does not need to be synchronized with the operation of the spindle motor. For the reasons detailed above, applicants assert that claim 17 is also placed in a position for allowance because Matsui fails to teach or suggest the claimed limitation "generating the control signal according to

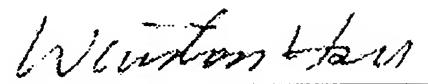
20 a rotation speed of the spindle motor and not according to the wobble signal" to thereby make data recording not synchronized with the spindle motor operation.

Claims 18-20 are dependent on claim 17 and should be found allowable if claim 17 is found allowable.

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Applicants hereby request allowance of the application.

Sincerely yours,



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